

**UNDERGROUND DISTRIBUTION EASEMENT (RIGHT OF WAY) NO. A-79864
PROJECT NAME - Montana Avenue Extension**

On Oct. 16, 1991, for the consideration of system betterment, Grantor grants to Grantee a permanent underground distribution easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is:

Anthony F. Richards and Althea D. Richards, his wife, 3975 North River Road, Port Huron, Michigan 48060

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
Michigan Bell Telephone Company, 502 Beach, Flint, Michigan 48502
Harron Cable, 2780 Beach, Port Huron, Michigan 48060

Marion Sargent
CLERK-REGISTER
ST. CLAIR COUNTY
Received For Record

"Grantor's Land" is in City of Marysville, St. Clair County, described as:

See Reverse Side - Appendix "A"

The "Right of Way Area" is a part of Grantor's Land and is described as:

A ten (10) foot width, five (5) feet each side of line as installed.

NOV 21 1991
464
Page 46
Time 1:00
Marion Sargent
DEPUTY

1. **Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain utility line facilities consisting of poles, guys, anchors, wires, manholes, conduits, pipes, cables, transformers and accessories.
2. **Access:** Grantee has the right of access to and from the Right of Way Area.
3. **Buildings or other Permanent Structures:** No buildings or other permanent structures shall be placed in the Right of Way Area without Grantee's prior written consent.
4. **Excavation:** As required by Public Act 53 of 1974, MISS DIG must be called on 1-800-482-7171 before anyone excavates in the Right of Way Area.
5. **Trees, Bushes, Branches, Roots, Structures and Fences:** Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches and roots in the Right of Way Area (or that could grow into the Right of Way Area) and remove structures and fences in the Right of Way Area that Grantee believes could interfere with the safe and reliable construction, operation and maintenance of Grantee's facilities. No trees, plant life, structures and fences shall be planted, grown or installed within 8 feet of the front door and within 2 feet of the other sides of transformers and switching cabinet enclosures. Grantee shall not be responsible to Grantor for damages to or removal of trees, plant life, structures and fences placed in front of transformer doors.
6. **Ground Elevation:** Grantor must grade the Right of Way Area to within four inches of final grade before Grantee installs its facilities. Grantor must maintain this ground elevation after Grantee installs its facilities.
7. **Damages:** If Grantor, its agents, employees or contractors, damage Grantee's facilities, Grantee shall make repairs at Grantor's expense.
8. **Successors:** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors, lessees, licensees and assigns.

RECORDED RIGHT OF WAY NO. 49864

5967A000 11/21/91DEED 9.00
0003

Witnesses:(type or print name below signature)

Joyce A. Brooks
Joyce A. Brooks
Angelia S. Siemen
Angelia S. Siemen

Grantor:(type or print name below signature)

Anthony F. Richards
Anthony F. Richards
Althea D. Richards
Althea D. Richards, his wife

5967A000 11/21/91SSRE 2.00
0003

Appendix "A"

Lots 1 through 8, Block 14 and all of vacated alley adjacent thereto on the South; and the East 1/2 of the vacated alley adjacent on the West; also, the South 1/2 of vacated Ninth Street adjacent thereto, Subdivision "D".

Lots 1 to 4 inclusive and North 1/2 of vacated alley and South 1/2 of the width of vacated Ninth Street, Subdivision "D", Block 20, City of Marysville, according to the plat thereof as recorded in Liber 29 of Plats, page 4, St. Clair County Records.

And that part of vacated Montana Avenue, between the centerline of vacated Ninth Street and the North right-of-way line of Huron Blvd., Subdivision "D".

Acknowledged before me in St. Clair County, Michigan, on October 16, 19 91

by Anthony F. Richards and Althea D. Richards, husband and wife

Notary's Stamp Angelia S. Siemen
Angelia S. Siemen Notary's Signature

My commission expires July 23, 1994

Detroit
Edison

THUMB DIVISION - Rights of Way

NW 1/4 SEC. 31
PT HURON TWP

Date: February 5, 1992
To: Records Center
From: Richard F. Collins *RFC*
Subject: **Montana Avenue Extension**

Attached for Records Center is the executed Agreement dated October 16, 1991 for the above named project. Also, enclosed are other pertinent papers relative to this project.

Easement for this project was requested by Brian Immel of Service Planning, Thumb Division.

The Agreement was negotiated by Richard Collins of this Department.

The Detroit Edison Company, Michigan Bell Telephone Company and Harron Cable TV made this agreement with Anthony F. Richards and Althea D. Richards, husband and wife.

Please make the attached papers a part of recorded Right of Way file.

RFC/lq

Attachments

RECORDED RIGHT OF WAY NO.

42694

Serving Customers

We're all a part of it!

To (Supervisor, HE & H/W) <i>RICHARD COLLINS</i>	For HE & H/W Dept. Use	Date Received <i>8-28-91</i>	DE/Bell/C.P. No.
Division <i>THUMB</i>	Date	Application No. 79864	

We have included the following necessary material and information:

Material:

- A. Proposed Subdivision
 - 1. copy of complete final proposed plat - All pages
- or
- B. Other than proposed subdivision (condo., apts. mobile home park — other)
 - 1. Property description.
 - 2. Site plan.
 - 3. title information (deed, title commitment, contract with title commitment, or title search).

A-79864

Note: Do not submit application for URD easements until all above material has been acquired.

Information

1. Project Name <i>MONTANA AVE EXTENSION</i>	County <i>ST. CLAIR</i>
City/Township/Village <i>MARYSVILLE</i>	Section No.
Type of Development <input type="checkbox"/> Proposed Subdivision <input type="checkbox"/> Apartment Complex <input type="checkbox"/> Condominium <input checked="" type="checkbox"/> Subdivision <input type="checkbox"/> Mobile Home Park <input type="checkbox"/> Other	
2. Name of Owner <i>TONY RICHARDS</i>	Phone No.
Address <i>3975 NORTH RIVER RD.</i>	
Owner's Representative	Phone No. <i>985-5381</i>
Date Service is Wanted	

RECORDED RIGHT OF WAY NO

42694

- 4. Entire Project will be developed at one time Yes No
- 5. Joint easements required — Michigan Bell Telephone Yes No
 — Consumers Power Yes No

a. Name of Other Utilities if Not Michigan Bell Telephone or Consumers Power
HARRON TV

b. Other Utility Engineer Names Phone Numbers

JIM ELARIUS - MDT - 984-7017

Addresses
RUSS MITCHELL - HARRON - 987-7846

6. Additional Information or Comments

Note: Trenching letter attached will be submitted later

Service Planner <i>BRIAN IMMEL</i>	Signed (Service Planning Supervisor)
Phone No. <i>984-6715</i>	Address